

LABOUR DEPARTMENT

The 1st September, 1976

No. 7818-4Lab-76/24428.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Gamsha Pipe (P) Ltd., Mathura Road, Faridabad:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 107 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S GAMSHA PIPE (P) LTD.,
MATHURA ROAD, FARIDABAD

AWARD

By order No. ID/FD/128-B-71/35646, dated 30th November, 1971, the Governor of Haryana referred the following dispute between the management of M/s Gamsha Pipe Ltd., Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the management should pay bonus to the workmen for the year 1969-70 and 1970-71? If so, with what details?

The parties put in their appearance in this Tribunal on 6th May, 1974 in response to the usual notices of reference sent to them. The management however proposed to absent themselves on 11th June, 1974 the next date of hearing fixed in the case for filing of their written statement with the result that the *ex parte* proceedings were taken up against them and the workmen were directed to adduce their *ex parte* evidence on 14th August, 1974.

The workmen failed to adduce their evidence on 27th May, 1975, 1st August, 1975 10th October, 1975, 21st April 1976, 8th June, 1976, and 27th July, 1976, despite being directed to do so each time and the case was adjourned to the next hearing on their request.

It would thus appear that the workmen are not interested in pursuing their demand raised on the management leading to this reference and no relief can be granted to them. Even otherwise there is no authority on record in favour of Shri Darshan Singh, Sh. B. M. Gupta, Sh. Adarsh Kishore, Shri Amer Singh and Shri Pasham Singh who had been appearing from time to time in this Tribunal on behalf of the workmen. This circumstance further leads to the conclusion already arrived at by me.

I thus hold that the workmen are not entitled to any relief. I answer the reference while returning the award in these terms.

Dated 30th July, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 30th July, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 2nd September, 1976

No. 7415-4Lab-76/24649.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the

Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Banwari Lal Purshotam Dass, Sector 6, Faridabad:—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 56 of 1975

between

SHRI RAM SAROMANI, WORKMAN AND THE MANAGEMENT OF M/S BANWARI LAL
PURSHOTAM DASS, SECTOR-6, FARIDABAD

AWARD

By order No. ID/FD/74/14222, dated 10th March, 1975, the Governor of Haryana referred the following dispute between the management of M/s. Banwari Lal Purshotam Dass, Sector-6, Faridabad and its workman Shri Ram Saromani to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Saromani was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal on 11th March, 1976 in response to the usual notices of the reference sent to them.

Shri H. R. Dna authorised representative for the management appearing before me on 11th March, 1976, pleaded want of instructions from the management on 11th May, 1976, the next date of hearing with the result that *ex parte* proceedings were taken against the management on that date and the case was adjourned to 22nd June, 1976 for recording *ex parte* evidence of the workman. On a request made by Shri Bhim Singh Yadav authorised representative for the workman, the case was adjourned for recording *ex parte* evidence of the workman to 15th July, 1976, when Shri Bhim Singh made a statement that he had no instructions from the workman and that the latter did not turn up to him despite his having sent two letters to him for that purpose.

It would thus appear that the workman is not interested in pursuing the demand raised by him on the management leading to this reference and that there is now no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

Dated 17th July, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 912, dated the 17th July, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 17th July, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 3rd September, 1976

No. 7745-4Lab-76/24575.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s T. C. Jain and Sons, Yamuna Nagar;—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Complaint No. 4 of 1976 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI ANGNU PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S T. C. JAIN &
SONS, YAMUNA NAGAR

AWARD

This is a complaint made by the petitioner Sarvshri Omi Lal and Angnu Parshad under section 33-A of the Industrial Disputes Act, 1947, on the ground of contravention by the management of the

provisions of section 33 (2) (b) of the aforesaid Act. The applicants alleged that the management terminated their services without obtaining an approval of the Industrial Tribunal, as required under section 33 (2)(b) of the Act, during the pendency of a reference wherein they were concerned workmen.

The management filed their written statement while pleading that Shri Omi Lal continued to be in their service till today and that they never terminated his services. As regards Angnu Parshad they stated that he absented himself from duty of his own accord and his services were never terminated by them.

The parties however arrived at a settlement immediately after the filing of the written statement and made their statements in accordance with the terms thereof.

Shri Subhash Chander authorised representative for the management agreed to take Shri Angnu Parshad on duty and reinstate to him with continuity of service while giving out that Shri Omi Lal continued to be in the service of the management. He added that Angnu Parshad shall not be entitled to wages of the period of un-employment and that he shall be reinstated in case he reported for duty within 10 days from today. Shri Surinder Kumar authorised representative for the applicant accepted this statement as correct, —vide his own statement made by him.

I thus in view of the statements of the authorised representatives for the parties direct that Angnu Parshad shall be reinstated with continuity of service in case he reported for duty within 10 days from today. He shall however not be entitled to the back wages for the period of unemployment. Shri Omi Lal shall not be entitled to any relief.

MOHAN LAL JAIN,

Dated the 27th July, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 923, dated the 27th July, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated the 27th July, 1976.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 7931-4-Lab-76/24577.— In pursuance of provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIX of 1947) the Governor of Haryana is pleased to publish the following award of the presiding officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the Management of M/S Accurex Optica, Industries, Model town, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 45 of 1975

between

SHRI PHOOL SINGH, WORKMAN AND THE MANAGEMENT OF
M/S. ACCUREX OPTICA INDUSTRIES, MODEL TOWN, JAGADHRI

AWARD

By order No. ID/AMB/220-D-75/35928-32 dated 19th June, 1975 of the Governor of Haryana, the following dispute between the management of M/S. Accurex Optica Industries, Jagadhri and its workman Shri Phool Singh, was referred to this Court for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Phool Singh was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Court to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed vide order dated 23rd March, 1976.

1. Whether the management closed their factory under section 25 FFF of the Industrial Dispute Act, 1947 for the reasons stated by him in the written statement and dispenses with the services of the workman under these circumstances?
2. If yes, whether the reference in respect of the dispute stated therein is maintainable?
3. If yes, whether the termination of services of Shri Phool Singh, was justified and in order? If not, to what relief is he entitled?

The case was fixed for recording in evidence of the management for 19th July, 1976 when the parties arrived at an amicable mutual settlement and made their statements in accordance there, with. The workman agreed to receive retrenchment compensation and one month, notice pay as admissible to him under section 25 FFF of the Industrial Disputes Act, from the existing management while admitting the closure of the business on 28th February, 1975 of the previous management being run by the name and style of the existing management in consideration of his withdrawing the demands raised by him on the management leading to this reference, including that of his reinstatement. The management accepted this offer and their manager Shri Dinesh Bansal and authorised representative Shri R. L. Gupta made their statements accordingly.

I, thus, in view of the statements of the parties recorded by me direct that the management shall pay to the workman the retrenchment compensation and one month's notice pay as admissible to him under section 25 FFF of the Industrial Disputes Act and the workman shall on that payment have no claim what-so-ever including that of his reinstatement against the management.

I, therefore, answer the reference while returning the award in these terms.

MOHAN LAL JAIN,

Dated ; 26th July, 1976

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1744, the dated 31st July, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Court,
Labour Court, Haryana,
Rohtak.

No. 7929-4Lab-76/24579.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s, Kewal Kishan Hari Chand, Metal Works, Chhachwali Gate, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT
HARYANA, ROHTAK

Reference No. 26 of 1975

between

SHRI CHARAN SINGH WORKMEN AND THE MANAGEMENT OF M/S KEWAL KRISHAN
HARI CHAND METAL WORKS, CHHACH RAULI GATE, JAGADHRI

AWARD

By order No. ID/AMB/374-B-75/23625, dated 2nd May, 1975, the Governor of Haryana, the following dispute between the management of M/s. Kewal Krishan Hari Chand Metal Works, Chhachrauli Gate, Jagadhri and its workmen Shri Charan Singh, was referred to this Court

for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

- (2) Whether the termination of services of Shri Charan Singh was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed vide order dated 22nd March, 1976 :

1. Whether the workman had been employed on casual basis to work with the management intermittently as and when the necessity arose ?

Whether the workman received Rs. 400/- from the management in full and final satisfaction of all his claims against them including the claim of reinstatement ?

Whether the termination of services of Shri Charan Singh was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for recording the evidence of the management for 20th July, 1976, —vide order dated 18th May, 1976 made in presence of the parties. Whereas the management appeared on 20th July, 1976, the workman absented himself despite being directed to appear on that date with the result that ex parte proceedings were taken against him and the Management was directed to adduce their ex parte evidence on 22nd July, 1976.

The management examined one Shri Om Parkash, their manager, who deposed that the workman received Rs. 400 in cash from the management, —vide receipt Exhibit M. 1 in full and final settlement of all his claims against the management including that of his reinstatement. I see no reason to disbelieve the statement of Shri Om Parkash, a signatory of the receipt Exhibit 1 as its attesting witness, particularly when the proceedings against the workman are ex parte and he has not taken care to pursue the demand raised by him on the management leading to this reference.

I, thus, relying on the statement of Shri Om Parkash, decide issue No. 2 in favour of the management and hold that his services were not terminated by the management and he is not entitled to any relief. I answer the reference while returning the award in these terms.

Dated 26th July, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1743, dated the 31st July, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 7933-4Lab-76/24583.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court Rohtak, in respect of the dispute between the workmen and the management of M/s Accurex Optica Industries, Model Town, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 55 of 1975

between

SHRI JANG SINGH, WORKMAN AND THE MANAGEMENT OF M/S ACCUREX OPTICA INDUSTRIES, MODEL TOWN, JAGADHRI.

AWARD

By order No. ID/AMB/220-G-75/37342-46, dated 30th June, 1975 of the Governor of Haryana, the following dispute between the management of M/s. Accurex Optica Industries, Jagadhri and its

workman Shri Jang Singh, was referred to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub section (1) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Jang Singh was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* order dated 23rd March, 1976:

1. Whether the management closed their factory under section 25 FFF of the Industrial Disputes Act, 1947 for the reasons stated by them in the written statement and dispensed with the services of the workman under these circumstances?
2. If yes, whether a reference in respect of the dispute stated there in is maintainable?
3. If yes, whether the termination of services of Shri Jang Singh was justified and in order ? If not, to what relief is he entitled ?

The case was fixed for recording the evidence of the management for 19th July, 1976 when the parties arrived at an amicable mutual settlement and made their statements in accordance therewith. The workman agreed to receive retrenchment compensation and one month's notice pay as admissible to him under section 25 FFF of the Industrial Disputes Act, 1947, from the existing management while admitting the closure of the business on 28th February, 1975 of the previous management being run by the name and style of the existing management in consideration of his withdrawing the demands raised by him on the management leading to this reference, including that of his reinstatement. The management accepted this offer and their manager Shri Dinesh Bansel and authorised representative Shri R. L. Gupta made their statements accordingly.

I, thus, in view of the statement of the parties recorded by me direct that the management shall pay to the workman the retrenchment compensation and one month's notice pay as admissible to him under section 25 FFF of the Industrial Disputes Act and the workman shall on that payment have no claim what-so-ever including that of his reinstatement against the management.

I, therefore, answer the reference while returning the award in these terms.

Dated the 26th July, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1746, dated 31st July, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Rohtak.

P. P. CAPRIHAN,

Commissioner & Secretary to Government, Haryana,
Labour and Employment Departments.